

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

September 25, 2007

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** - The meeting of the Board of Technical Registration was called to order at 9:35 AM by Chairman Stuart Lane.
2. **ROLL CALL** - Board Members in Attendance: Sheila Bowen, Karen Cesare, Stuart Lane, Richard Pawelko, Chet Pearson, and Susan Schaefer Kliman. Absent: Dawn Garcia, Robert Roos, and Ronald Starling. Board Staff: Ronald Dalrymple, LaVern Douglas, Kathryn Fuller, Lisa Lawhorn, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Terrie Sanders.
3. **CALL TO THE PUBLIC** – No members of the public spoke.
4. **ADOPTION OF MINUTES** – Dr. Schafer Kliman moved to approve the August 28, 2007 minutes. Ms. Bowen seconded. Motion Carried.
5. **ENFORCEMENT MATTERS**  
**Review, Consideration and Possible Vote on the following:**
  - A. **Proposed Dismissals**
    - 1.a. M05-135, William C. Walker, R.L.S. #16214 – Mr. Lane moved to dismiss based on the findings of the Enforcement Advisory Committee recommendation based on additional information received. Mr. Pawelko seconded. After discussion, Motion Carried.
    - 1.b. M05-135, Jack A. Buchanan, R.L.S. #12214. – Mr. Lane moved Respondent receive a Letter of Concern regarding Respondent's failure to file a "Corner Record" with the Pima County Recorder's Office in the required time. Dr. Schafer Kliman seconded. After discussion, the motion failed. Mr. Pawelko moved to dismiss. Ms. Bower seconded. After discussion, Motion Carried.
    2. M05-402, Jack A. Buchanan, R.L.S. #12214. – Mr. Lane moved to issue a Letter of Concern based on Respondent's failure to adequately supervise his bona fide employees in locating the controlling monuments for the Plat for San Jose Plaza, Lots 1 through 6, Common Areas "A" and "B" and Natural Open Space, Pima County, Arizona. Mr. Pearson seconded. After discussion, Motion Carried.

**6. HOME INSPECTOR ENFORCEMENT MATTERS**

**Review, Consideration and Possible Vote on the following:**

**A. Proposed Consent Agreements**

1. HI07-097, Bruce S. Hubbard, CHI # 38522 – Mr. Pawelko moved to accept the Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; Administrative Penalty: Pay an administrative penalty in the amount of \$100.00; Open Book Test: Respondent shall take and successfully complete an open book test of the Board's Statutes and Rules within 30 days with a passing score of 100%; and Cost of Investigation: Pay cost of investigation in the amount of \$85.00. Ms. Cesare seconded. After discussion, Motion Carried.

2. M05-196, Arthur D. McKay, CHI #38657– Ms. Cesare moved to accept the Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; Probation: Respondent's registration shall be placed on probation until restitution has been made to Robert Mercer in the amount of \$200.00; Open Book Test: Respondent shall take and successfully complete an open book test of the Board's Statutes and Rules within 30 days with a passing score of 100%; and Cost of Investigation: Pay cost of investigation in the amount of \$390.00. Mr. Pearson seconded. After discussion, Motion Carried.

3. HI07-039, Thomas E. Sullivan, CHI #38636– Mr. Pawelko moved to accept the Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; Administrative Penalty: Pay an administrative penalty in the amount of \$100.00; Open Book Test: Respondent shall take and successfully complete an open book test of the Board's Statutes and Rules within 30 days with a passing score of 100%; and Cost of Investigation: Pay cost of investigation in the amount of \$85.00. Ms. Cesare seconded. After discussion, Motion Carried.

4. M06-077, Mathew L. Moskowitz, CHI #41145 – This matter was tabled.

**7. DRUG LABORATORY ENFORCEMENT MATTERS**

**Review, Consideration and Possible Vote on the following:**

**A. Proposed Consent Agreement**

1. DL07-024, ServiceMaster by Ed Smith, Nonregistrant – Ms. Cesare moved to accept the Respondent's signed consent agreement encompassing the following Order: Assurance of Discontinuance: Respondent shall not practice, offer to practice, or by any implication hold the firm out as qualified to practice as a drug laboratory site remediation firm unless and until the firm obtains registration from the Board; Civil Penalty: Pay a civil penalty in the amount of \$6,000.00; Par Restitution: Pay restitution to Hilton Gardens Hotel in the amount of \$3,703.00; and Cost of Investigation: Pay cost of investigation in the amount of \$520.00. Mr. Pearson seconded. After discussion, Motion Carried.

**8. Review, Consideration, and Possible Vote on the following:**  
**EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION**

1. Merrill Walstad – P.E. (Structural) – #071001 (Starling) – Mr. Lane moved to grant Mr. Walstad P.E. (Structural) registration via comity. Ms. Cesare seconded for discussion. After discussion, Motion Failed. Mr. Lane moved to table this matter until Mr. Walstad is available to discuss this application with the Board. Dr. Schafer Kliman seconded. Motion Carried.

**9. Review, Consideration, and Possible Vote on the following:**  
**EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (LIST AVAILABLE AT BOARD OFFICE)**

1. Granting of professional or in training registration
2. Approval to sit for the professional or in training examination
3. Recommendation for denial of professional or in training examination

Dr. Schafer Kliman moved to accept the committee and staff recommendations listed in items 9.1 through 9.3. Ms. Cesare seconded. Motion Carried.

**10. Review, Consideration & Possible vote on the following:**

**A. Election of Board Positions**

1. Chair – Mr. Lane nominated Mr. Pawelko to fill the Chair position of the Board. Ms. Cesare seconded. No other nominations were made. Mr. Pawelko was unanimously voted in as Board Chairman.
2. Vice-Chair – Mr. Lane nominated Ms. Bowen to fill the Vice-Chair position of the Board. Mr. Pawelko seconded. No other nominations were made. Ms. Bowen was unanimously voted in as Vice-Chair of the Board.
3. Secretary – Mr. Lane nominated Dr. Schafer Kliman to fill the Secretary position of the Board. Ms. Cesare seconded. No other nominations were made. Dr. Schafer Kliman was unanimously voted in as Board Secretary.

**11. Review, Consideration & Possible vote on the following:**

**A. Future Board Meeting Dates:**

Mr. Lane moved to schedule the Board meetings for the fourth Tuesday of each month at 9:30 AM with the exception of when a holiday falls in the fourth week, then the meeting will be held on the third Tuesday of the month at 9:30 AM. Mr. Pearson seconded. After discussion, Motion Carried.

## **12. DIRECTOR'S REPORT**

**Proposed Rule Changes, R4-30-304 Sealing of Letters, Seal Expiration Notice:** The proposed rule package is being reviewed by the Governor's Regulatory Review Council ("GRRC"). If there are no problems with the package the proposed rule will be placed on GRRC's agenda for a formal hearing on November 6, 2007 at 9:00 AM.

**Staff Changes:** The Board is still working with the Arizona Department of Administration ("ADOA") personnel to fill the four (4) newly authorized positions. A request has been made to the Governor's office for clarification regarding the Governor's executive order initiating a hiring freeze, travel restrictions and agency budget costs and their applicability to 90/10 agencies.

**Arizona/Sonora Commission:** A draft of the Memorandum of Understanding ("MOU") was reviewed again on September 21, 2007 and has been slightly revised and is ready for the Governor's staff review.

**IBM Contract:** The professional on-line application program is being finalized and should be on-line the first week in October 2007.

## **13. BOARD CHAIR'S REPORT**

The Arizona Surveyors held their review in Prescott last weekend for NCEES and State Specific exams. This review is held every six (6) months, right before exams are administered. The review went very well, there were approximately 52 participants.

Thank you to the Board for the opportunity to serve as the Chair.

## **14. STANDING COMMITTEE REPORTS**

### **1. Legislation and Rules Committee:**

Mr. Pawelko stated: The meeting scheduled for today, after the Board's meeting, has been cancelled due to a lack of quorum. There will be information provided after the next meeting is held.

### **2. Budget Committee:**

Mr. Dalrymple stated: The Board ended Fiscal Year 07 ("FY07") with a surplus and the Board is in good shape with equipment and supplies. The Board ended FY07 within the appropriated amounts. The Board received everything requested in the Fiscal Year 2008 ("FY08") Budget request, including the four (4) new positions. FY08 is starting off well. The Board has saved and estimated \$10,000 in postage due to utilizing electronic transmission of the Board packets; Ms. Sanders will be cutting back her hours at the Attorney General's ("AG") office so the Board is revising the contract with the AG and anticipates a savings of approximately \$40,000 per year.

The biggest problem for the Board right now is retention and hiring. In the past the Board's positions were classified as "uncovered". This gives the ability, within the limitations of the appropriation and restraint on spending to try and reward employees for doing a good job. Covered employees may only receive the pay increases that the legislature gives. Within the past few months, ADOA is cutting back on uncovered positions. Mr. Dalrymple's goal is to fight for pay increases for the Board's employees. The Board doesn't need anything except to replace equipment that is used due to normal use. Financially the Board is in good shape.

3. Home Inspector Rules and Standards Committee:  
Mr. Pawelko stated: There is a meeting being scheduled for sometime in October. More information will be forthcoming after that time.
4. Environmental Remediation Rules and Standards Committee:  
Mr. Pearson stated: There is nothing new since the last Board meeting.

#### 15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying ("NCEES"):  
Ms. Bowen attended the August meeting in Philadelphia, PA and stated: Separate exam books will be printed for each module of the afternoon portion of the FE exam and all depth modules of the Civil, Electrical, and Mechanical PE exams; the Structural exams SE I and SE II will be modernized; Modifications and/or revisions are underway for exam administration and development policies, the Council's constitution, bylaws, financial policy 3 and model rules; The Council has adopted a statement clarifying record/as-built drawings; a Western Zone Resolution has been passed and the Council approved a one-time sponsorship for NCEES serving as the primary sponsor of National Engineers Week.
2. National Council of Architectural Registration Boards ("NCARB"):  
Mr. Pawelko will be attending the meeting in Memphis, TN from October 4<sup>th</sup> through 7<sup>th</sup>, 2007 and will update the Board at the next meeting.
3. Council of Landscape Architectural Registration Boards ("CLARB"):  
Ms. Cesare attended the September meeting in Cleveland, OH and stated: There is a new Executive Director for CLARB; The Council is making changes to the bylaws and there is dialog regarding the mission statement and how the Council serves the member boards and regarding continuing education. All in all, everything is positive. Ms. Lyndes was also present as she is a member of the nominating committee for next year's slate of officers for CLARB.
4. National Association of State Boards of Geology ("ASBOG"):  
Ms. Garcia is not present so no information is available.

#### 16. FUTURE BOARD MEETINGS – Tuesday, October 23, 2007 at 9:30 AM

**17. FUTURE AGENDA ITEMS**

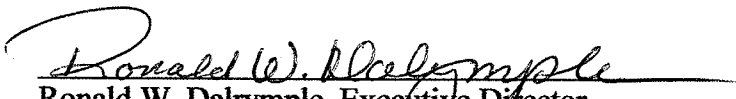
**1. GIS Presentation**

**18. ADJOURNMENT – Meeting adjourned at 11:10 AM.**

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**



Richard Pawelko, Chairman

  
Ronald W. Dalrymple, Executive Director